

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

NATIONAL LABOR RELATIONS BOARD	:	
	:	No. 19-12043
Petitioner	:	
v.	:	
	:	Board Case No.:
	:	12-CA-170290
TR & SNF, INC. D/B/A THE NURSING CENTER AT	:	
UNIVERSITY VILLAGE AND TALF, INC. D/B/A	:	
THE INN AT UNIVERSITY VILLAGE	:	
	:	
Respondent	:	

UNOPPOSED MOTION TO CORRECT JUDGMENT

To the Honorable, the Judges of the United States
Court of Appeals for the Eleventh Circuit:

The National Labor Relations Board (“the Board”), by its Acting Deputy
Associate General Counsel, respectfully moves the Court to enter a corrected
judgment and order and shows as follows:

1. On November 29, 2018, the Board issued a decision in Case No. 12-CA-170290, reported at 367 NLRB No. 43. The Board found that TR & SNF, Inc. d/b/a The Nursing Center at University Village and TALF, Inc. d/b/a The Inn at University Village (“the Company”) had failed to comply with the terms of its settlement agreement and had engaged in unfair labor practices in violation of the National Labor Relations Act. The Board ordered the Company to comply with the unmet terms of the settlement agreement.

2. On May 22, 2019, the Board filed an application for summary entry of a judgment enforcing the Board's order and included a proposed judgment with its filing. The case was docketed as No. 19-12043.

3. On July 25, 2019, the Court (Circuit Judges W. Pryor, Martin, and Newsom) entered a judgment enforcing the Board's order. Mandate issued that same day.

4. The Board has recently discovered a typographical error in the Board's order, which this Court enforced. The order's "make whole" provision inadvertently includes the date October 1, 2105, rather than October 1, 2015.

5. Accordingly, the Board requests that the Court enter the attached corrected judgment and order, which substitutes the correct date.

6. The Board has contacted counsel for the Company, who does not oppose this motion.

WHEREFORE, the Board respectfully requests that the Court grant this motion and enter the accompanying corrected judgment and order.

s/ David Habenstreit
David Habenstreit
Acting Deputy Associate General Counsel
NATIONAL LABOR RELATIONS BOARD
1015 Half Street, S.E.
Washington, D.C. 20570
(202) 273-2960

Dated in Washington, D.C.
this 27th day of September, 2019

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JUDGMENT ENFORCING AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD

Before:

This cause was submitted upon the application of the National Labor Relations Board for summary entry of a judgment against Respondent, TR & SNF, Inc. d/b/a The Nursing Center at University Village and TALF, Inc. d/b/a The Inn at University Village, a single employer, its officers, agents, successors, and assigns, enforcing its order dated November 29, 2018, in Case No. 12-CA-170290, reported at 367 NLRB No. 43, and the Court having considered the same, it is hereby

ORDERED AND ADJUDGED by the Court that the Respondent, TR & SNF, Inc. d/b/a The Nursing Center at University Village and TALF, Inc. d/b/a The Inn at University Village, a single employer, its officers, agents, successors, and assigns, shall abide by said order (see attached order and appendix).

Mandate shall issue forthwith.

BY THE COURT

Circuit Judge

DATED:

NATIONAL LABOR RELATIONS BOARD

v.

TR & SNF, INC. D/B/A THE NURSING CENTER AT UNIVERSITY VILLAGE
AND TALF, INC. D/B/A THE INN AT UNIVERSITY VILLAGE

ORDER

TR & SNF, Inc. d/b/a The Nursing Center at University Village and TALF, Inc. d/b/a The Inn at University Village, Tampa, Florida, a single employer, its officers, agents, successors, and assigns shall take the following affirmative action necessary to effectuate the policies of the Act.

1. Upon request of the Union, rescind the health insurance benefits changes that were implemented with respect to unit employees on October 1, 2015, and restore the health insurance benefits that existed immediately preceding the implementation of those changes.
2. Make whole the employees named in the Appendix to the settlement agreement for any loss of earnings and other benefits suffered as a result of the changes to their health insurance benefits on October 1, 2015, by payment to each of them of the backpay and interest amounts shown in the Appendix, with additional interest accrued to the date of payment. The total amount due under the settlement agreement, before additional interest is calculated, is \$53,325.06.
3. Bargain in good faith with the Union as the exclusive collective-bargaining representative of the employees in the following appropriate unit, concerning wages, hours of work, and other terms and conditions of employment and, if an understanding is reached, embody the understanding in a signed agreement.

All non-supervisory associates employed at The Nursing Center at University Village (recognizing that licensed nurses are required by Florida statute to have certain supervisory responsibilities and training) and The Inn at University Village, excluding guards, supervisors, and confidential associates and associates working less than fifteen (15) hours per pay period.

4. Within 21 days after service by the Region, file with the Regional Director for Region 12 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

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	:	
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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure No. 27(d)(1) and (d)(2), the Board certifies that its motion contains 286 words of proportionally-spaced, 14-point type, and the word processing system used was Microsoft Word 2016.

/s/ David Habenstreit
David Habenstreit
Acting Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street, SE
Washington, DC 20570
(202) 273-2960

Dated at Washington, DC
this 27th day of September 2019

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	:	
Respondent	:	

CERTIFICATE OF INTERESTED PERSONS

The Board certifies that the following persons have an interest in the outcome of this case, as defined by 11th Cir. R. 26.1-1.

Ring, John F.	Chairman, NLRB
Kaplan, Marvin E.	Member, NLRB
Emanuel, William J.	Member, NLRB
Robb, Peter	General Counsel, NLRB
Habenstreit, David	Acting Dpty. Assoc. GC, NLRB
Sawyer, Paula S.	Regional Director, Region 27, NLRB
Bailey, Erika K	Compliance Officer, Region 27, NLRB
John Bartle	Pres., TR & SNF, Inc.
Scott Bonavita	Atty., for TR & SNF, Inc. & TALF, Inc.
Robert Gibson	V.P., SEIU, Local 1199
Kathleen M. Phillips	Atty., for SEIU, Local 1199

/s/ David Habenstreit

David Habenstreit

Acting Deputy Associate General Counsel
National Labor Relations Board

Dated at Washington, D.C.
this 27th day of September 2019

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CERTIFICATE OF SERVICE

The undersigned certifies that one copy each of the Board's Unopposed Motion to Correct Judgment, in the above-captioned case, has this day been served by first class mail upon the following parties at the addresses listed below:

Scott Bonavita, Attny.
Bonavita Law Firm, PA
13902 N Dale Mabry Hwy Ste 203
Tampa, FL 33618-2426

John Bartle, President
TR & SNF, Inc. and TALF, Inc.
9114 Technology Ln
Fishers, IN 46038-2839

/s/ David Habenstreit

David Habenstreit
Acting Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street, S.E.
Washington, D.C. 20570

Dated at Washington, D.C.
this 27th day of September 2019